

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

RICHARD MEYER,
Plaintiff,

v.

MARK WAID,
Defendant.

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CASE NO.: 1:18-CV-00800-LY

(Jury Demanded)

**ORDER GRANTING MOTION TO CONDUCT
JURISDICTIONAL DISCOVERY AND EXTENDING RESPONSE DEADLINE**

On this day, the Court considered the Unopposed Motion to Conduct Jurisdictional Discovery (the “Motion”) filed by Plaintiff, Richard Meyer (Dkt. 14). The Court finds that the Motion should be in all things GRANTED and that the discovery described below should occur prior to Meyer filing his response to the Motion to Dismiss for Lack of Personal Jurisdiction (the “Motion to Dismiss”) filed by Defendant Mark Waid (Dkt.10).

1. It is therefore ORDERED that Meyer may engage in the following discovery:
 - a. submit no more than 7 document requests to Waid seeking information about his contacts with Texas relating to Waid and Antarctic Press, including text messages, phone records, social media posts, emails, public statements and other Texas-related communications;
 - b. submit no more than 3 interrogatories requesting Waid to identify his contacts with the state of Texas over the last two years as well as to identify persons in Texas with whom Waid communicated, if any, regarding Meyer and the substance of those communications;
 - c. subpoena documents from non-party Antarctic Press (Meyer’s intended publisher for his comic books) relating to Meyer, Waid, and Meyer’s comic book;
 - d. depose the two owners of Antarctic Press for no more than three hours each to determine nature and extent of their communications with Waid and the reasons for canceling its contract, if any, with Meyer; and

- e. depose Mark Waid, in California (or in Texas with the express agreement of Waid), for no more than three hours about his activities regarding Antarctic Press and his contacts with Texas.

2. It is further ORDERED that should Meyer decide to submit his own affidavit or declaration relating to Waid's contacts with the state of Texas, Meyer will provide Waid with a copy of the document he intends to submit at least ten days before doing so and thereafter appear for a deposition at the office of his counsel for up to three hours relating to the substance of such affidavit or declaration.

3. It is further ORDERED that Waid shall have the right to submit evidence obtained through any jurisdictional discovery, and Waid may file such evidence as part of a supplement to his pending motion to dismiss or as part of his reply brief.

4. It is further ORDERED that Waid shall have the right to lodge appropriate objections to Meyer's discovery, and that Meyer will not use Waid's lack of opposition to this motion or any related discovery to argue that Waid has waived any part of his jurisdictional challenge.

5. It is further ORDERED that the forgoing discovery shall be completed with 90 days of the date hereof, and Meyer's deadline for responding to the Motion to Dismiss filed herein by Waid (Dkt. 10) is hereby extended to 104 days after the date hereof.

Dated this the ____ day of _____, 2018.

UNITED STATES DISTRICT JUDGE